NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: University Hills/Windsor Park Combined (Windsor Park)

CASE#: NPA-2023-0023.04 **DATE FILED**: December 5, 2023

PROJECT NAME: 5810, 5812, and 5816 Berkman Drive

PC DATE: May 28, 2024

ADDRESS/ES: 5810, 5812, and 5816 Berkman Drive

DISTRICT AREA: 4

SITE AREA: 0.5780 acres

OWNER/APPLICANT: WFT-ASW Property Management, LLC

AGENT: Drenner Group, PC (Leah M. Bojo)

CASE MANAGER: Maureen Meredith **PHONE:** (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Mixed Use/Office To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2023-0151

From: LO-MU-CO-NP To: GR-MU-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: August 2007

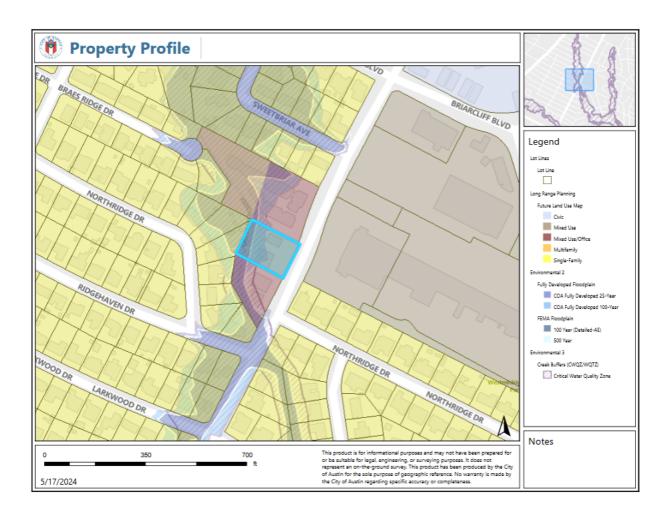
CITY COUNCIL DATE: July 18, 2024 ACTION:

PLANNING COMMISSION RECOMMENDATION:

May 28, 2024 – After discussion, approved the applicant's request for Mixed Use land use. [A. Azhar – 1st; R. Johnson -2nd] Vote: 11-0 [P. Howard and A. Phillips absent].

STAFF RECOMMENDATION: Staff does not support the applicant's request for Mixed Use land use but recommends Neighborhood Mixed Use.

BASIS FOR STAFF'S RECOMMENDATION: Staff does not support the applicant's request for Mixed Use land use because the property abuts residential uses to the west with a portion of the site within the flood plain. Staff believes the Neighborhood Mixed use land use will provide some protection to the residential uses by limiting the intensity of the commercial uses allowed on the property. Although there is Mixed Use land use to the east and at the north and south nodes of Berkman Drive and US Hwy 290 and E. 51st Street, the predominate land uses on the western side of Berkman Drive are low-intensity land uses of Single Family and Office/Mixed Use, with one lot of Civic land use for a church.



Below are sections from the University Hills/Windsor Park Combined Neighborhood Plan (Windsor Park), which staff believes supports the Neighborhood Mixed Use land use.

BERKMAN DRIVE & VICINITY

Land Use Workshop held on April 29, 2006

Berkman Drive serves as a collector street in the planning area, as it runs from 51st Street north to Hwy 290. Although it connects these two major roads, it remains a primarily residential street with commercial and multi-family uses at its intersection with Hwy 290 and a second commercial area at the Windsor Village shopping center (See aerial photograph on Page 46). At the Berkman Drive land use workshop, neighborhood stakeholders expressed support for preserving the residential character of Berkman Drive. They also expressed support for redevelopment of the Windsor Village Shopping Center and neighboring commercial properties along Gaston Place so that they offer a wide variety of neighborhood-serving uses. Additionally, they would like these shopping areas to be more visually attractive and less automobile-oriented. Additional information regarding attracting businesses to Windsor Village is included in the Economic Development section of this chapter. Also, design-related recommendations specific to Windsor Village and the Berkman Drive area are included in the Design section of this chapter.

Objective: Maintain the primarily neighborhood-oriented, residential character of Berkman Drive, especially south of the Windsor Village Shopping Center.

Recommendation:

 Maintain single-family residential zoning of parcels adjacent to Berkman Drive from 51st Street to Northridge Drive.

Objective: Berkman Drive parcels on the east side of the street between the Windsor Village Shopping Center and Hwy 290 should serve as a transition between adjacent commercial areas and Windsor Park's residential neighborhoods on either side of the street.

Recommendation:

 Rezone the single-family parcels on the east side of Berkman Drive, from Wheless to Patton Lane, from single family to a higher-density single family zoning district that would allow townhome and condominium uses.



LAND USE DESCRIPTIONS:

EXISTING LAND USE:

Mixed Use/Office - An area that is appropriate for a mix of residential and office uses.

Purpose

- 1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
- 2. Provide a transition from residential use to non-residential or mixed use.

Application

- 1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
- 2. May be used to encourage commercial uses to transition to residential use; and

3. Provide limited opportunities for live/work residential in urban areas.

PROPOSED LAND USE:

Mixed Use - An area that is appropriate for a mix of residential and non-residential uses.

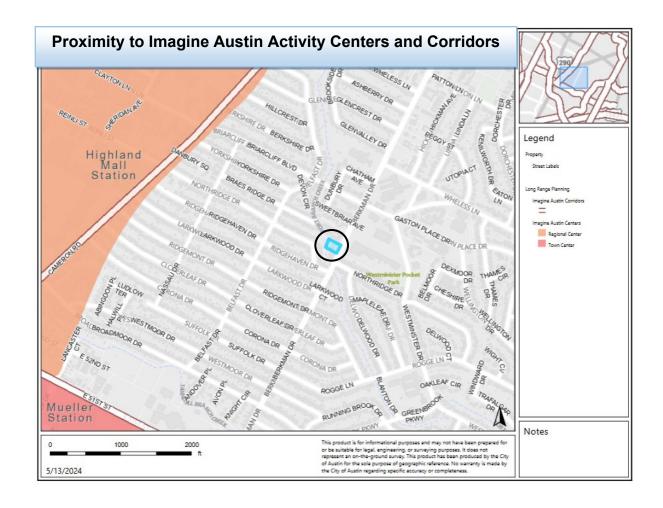
Purpose

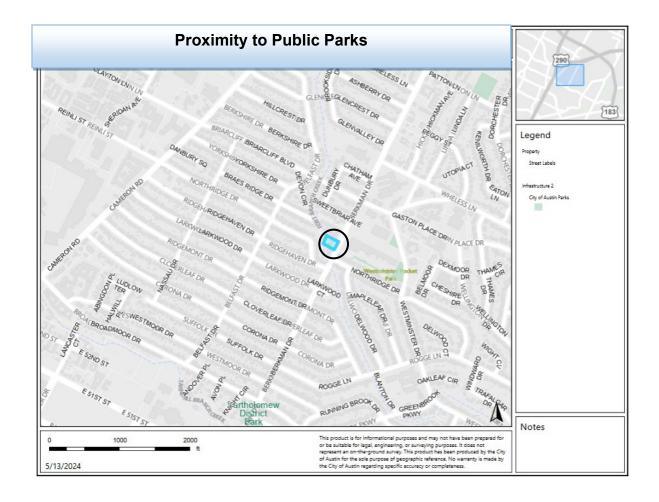
- 1. Encourage more retail and commercial services within walking distance of residents;
- 2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
- 3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
- 4. Create viable development opportunities for underused center city sites;
- 5. Encourage the transition from non-residential to residential uses;
- 6. Provide flexibility in land use standards to anticipate changes in the marketplace;
- 7. Create additional opportunities for the development of residential uses and affordable housing; and
- 8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

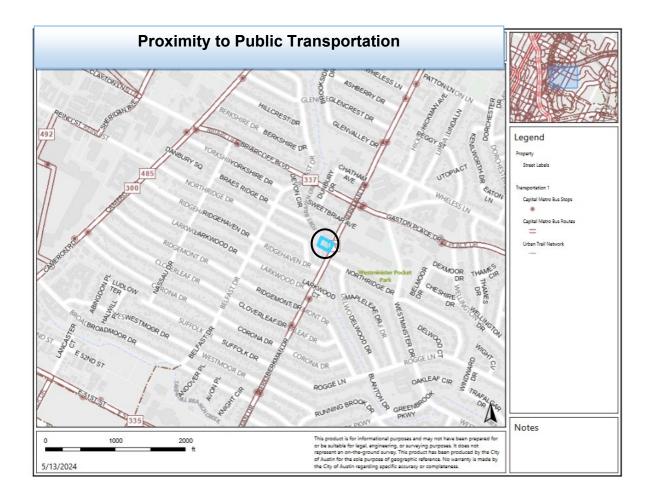
Application

- 1. Allow mixed use development along major corridors and intersections;
- 2. Establish compatible mixed-use corridors along the neighborhood's edge
- 3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
- 4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
- 5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
- 6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

Yes	Imagine Austin Decision Guidelines					
	Complete Community Measures					
No	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center:					
Yes	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.					
Yes	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.					
Yes	Connectivity, Good and Services, Employment : Provides or is located within 0.50 miles to goods and services, and/or employment center.					
Yes	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.					
	0.6 miles from Los Vaqueros Supermercado,					
	1 mile from HEB at Mueller					
	1.5 miles from Sprouts Farmers Market					
Yes	 Connectivity and Education: Located within 0.50 miles from a public school or university. 0.3 miles from Harris Elementary School 					
Yes	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. • 0.25 miles from Westminster Pocket Park					
	0.4 miles from Windsor Park Community Garden					
	0.7 miles from Earl J Pomerleau Pocket Park					
	0.8 miles from Bartholomew District Park					
No	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)					
No	1.3 miles from Dell's Children's Medical Center Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.					
Yes	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint. • The applicant's proposed zoning of GR-MU-CO-NP would allow for residential units to be					
\/	built, but the applicant said the proposed use is a restaurant.					
Yes	 Mixed use: Provides a mix of residential and non-industrial uses. The applicant's proposed zoning of GR-MU-CO-NP would allow for a mix of residential and commercial uses, but the applicant says they are proposing to open a restaurant. 					
Yes	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). • 0.3 miles from Windsor Park Public Library					
No	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.					
No	Creative Economy : Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)					
No	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.					
No	Industrial Land: Preserves or enhances industrial land.					
9	Number of "Yes's"					







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Regional Centers - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

Activity Centers for Redevelopment in Sensitive Environmental Areas - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment

opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The applicant has submitted a plan amendment application to change the future land use map from Mixed Use/Office to Mixed use to open a restaurant on the property.

The applicant proposes to rezone the property from LO-MU-NP (Limited Office district – Mixed Use combining district – Mixed Use combining district – Neighborhood Plan) to GR-MU-CO-NP (Community Commercial district – Mixed Use combining district – Conditional Overly combining district – Neighborhood Plan). For more information on the zoning request, see case report C14-2023-0151.

<u>PUBLIC MEETINGS</u>: The ordinance-required community meeting was virtually held on February 12, 2024. The recorded meeting can be found here: https://publicinput.com/t8034. Approximately 224 meeting notices were mailed to people who rent or own property within 500 feet of the subject property. Two city staff members attended the meeting, Maureen Meredith and Mark Walters from the Planning Department. Drew Raffaele and Leah Bojo from Drenner Group, PC attended, the applicant's agents attended and two people from the neighborhood.

Below are the highlights from Drew Raffaele's presentation:

- There are two buildings on the property that have been used for personal services.
- This is a good location from a restaurant because Berkman Drive has sidewalks and has a bus stop in front of the building. Protected bike lanes are planned in the future.
- The existing zoning is LO-MU-CO-NP and we are requesting GR-MU-CO-NP. The existing Conditional Overlay is for a residential use may not exceed 25% of the total square footage of the first floor of the building constructed. No change is proposed to the conditional overlay.
- We talked with the neighborhood and there is a list of uses to prohibited. We will amend our application to include these prohibited uses.
- We feel this use will attract new vendors into the neighborhood. We do not plan to demolish the structures or change the size.

There were no questions from the attendees.

Applicant Summary Letter from Application

Leah m. Bojo lbojo@drennergroup.com 512-807-2900



December 4, 2023

Ms. Lauren Middleton-Pratt Planning Department City of Austin 1000 E 11th Street Austin, TX 78702

Re:

<u>5810 Berkman Drive</u> – Zoning and Neighborhood Plan Amendment applications for the 0.578-acre property located at 5810, 5812, and 5816 Berkman Drive, in Austin, Travis County, Texas (the "Property")

Dear Ms. Middelton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed zoning and Neighborhood Plan Amendment (NPA) applications for 5810 Berkman Drive. The project is located within the Full Purpose Jurisdiction of the City of Austin and consists of 0.578 acres of land, located on the west side of Berkman Drive, south of Sweetbriar Avenue and north of Northridge Drive, and directly across from the Windsor Village vertical mixed use redevelopment project.

The Property is currently zoned LO-MU-CO-NP (Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan). The requested zoning is from LO-MU-CO-NP to GR-MU-CO-NP (Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan). The purpose of this rezoning request is to allow for the adaptive reuse of the existing buildings that contained personal service uses for a neighborhood-scale, restaurant use.

The Property is located in the University Hills/Windsor Park Combined Neighborhood Planning Area and has a Future Land Use Map (FLUM) designation of Mixed Use/Office. A Neighborhood Plan Amendment (NPA) application will be submitted in conjunction with this rezoning request to amend the FLUM from Mixed Use/Office to Mixed Use. The request is supportive the neighborhood plan's land use goal to, "Attract needed vendors and service providers into the planning area through support for local businesses and revitalization/redevelopment of neighborhood shopping areas."

A Traffic Impact Analysis (TIA) is not required, and a Neighborhood Traffic Analysis (NTA) will be conducted by the City of Austin per the attached TIA Determination worksheet, executed by Amber Hutchens, dated October 20, 2023.

2705 Bee Caves Road Suite 100 | Austin, Texas 78746 | 512-807-2900 | www.drennergroup.com

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Please let me know if you or your team members would like additional information or have any questions. Thank you for your time and we look forward to working with you as we move through this process.

Sincerely,

Leah M. Bojo

cc: Joi Harden, Planning Department (via electronic delivery)

Maureen Meredith, Planning Department (via electronic delivery)

2705 Bee Caves Road Suite 100 | Austin, Texas 78746 | 512-807-2900 | www.drennergroup.com

Letter of Recommendation from the Neighborhood Plan Contact Team (NPCT)

To: Planning Commission and Austin City Council

From: Windsor Park Neighborhood Plan Contact Team

Date: March 22, 2024

Re: SUPPORT for 5810 Berkman Drive (NPA-2023-0023.04 and C14-2023-0151)

On January 8, 2024, the Windsor Park Neighborhood Plan Contact Team (WPNPCT) met to review and discuss its recommendation on the neighborhood plan amendment and rezoning requests submitted by the applicant for the 5810 Berkman Drive redevelopment project, which includes the establishment of Counter Culture, a locally owned restaurant. The proposed project is located entirely within the boundaries of the Windsor Park Neighborhood Planning Area. By unanimous vote, the WPNPCT recommends the neighborhood plan amendment request for Mixed Use and the rezoning request for GR-MU-CO-NP.

The proposed project achieves several goals and objectives outlined in the Windsor Park Neighborhood Plan and promises to bring significant benefits to our community.

Counter Culture, with its commitment to offering locally sourced, organic food at accessible prices, embodies the goal of attracting needed vendors and service providers into our planning area. Their commitment to offering gluten-free and sugar-free options caters to residents with restricted diets. Furthermore, their dedication to sustainability is evident in their practice of composting and recycling over 97% of their waste, with all to-go containers being compostable.

Moreover, the project contributes directly to the objective of enhancing the aesthetic appeal of our neighborhood. By repurposing existing structures and prioritizing sustainable design practices, the applicant is not only revitalizing a currently underutilized commercial strip but also demonstrating a commitment to environmental responsibility. This redevelopment project aligns with our community's desire for a more walkable and vibrant experience along Berkman Drive.

Additionally, Counter Culture's presence not only fulfills the objective of attracting desired businesses into the planning area but also addresses a significant need in our community. While Windsor Park currently lacks diverse healthy food options, the addition of Counter Culture will enhance the overall food landscape and directly impact the health outcomes of our residents. By offering a quality dining experience and paving the way for similar neighborhood commercial services, Counter Culture contributes to the overall vitality and diversity of our community.

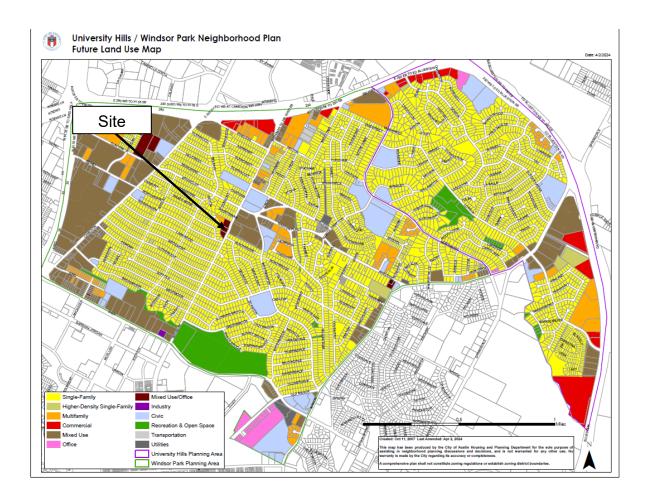
In conclusion, the WPNPCT wholeheartedly endorses the 5810 Berkman Drive redevelopment project and urges you to support its approval. If you require any further information or clarification regarding our community's support for this project, please do not hesitate to contact me.

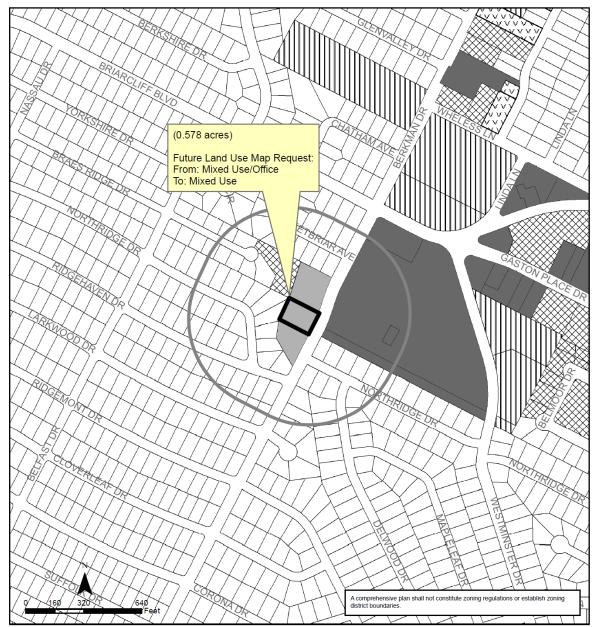
Thank you for your attention to this matter, and we look forward to experiencing the positive impact of Counter Culture's presence in our neighborhood.

Best regards,

Rodney E. Ahart, Chair

Windsor Park Neighborhood Plan Contact Team

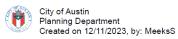


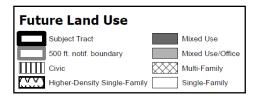


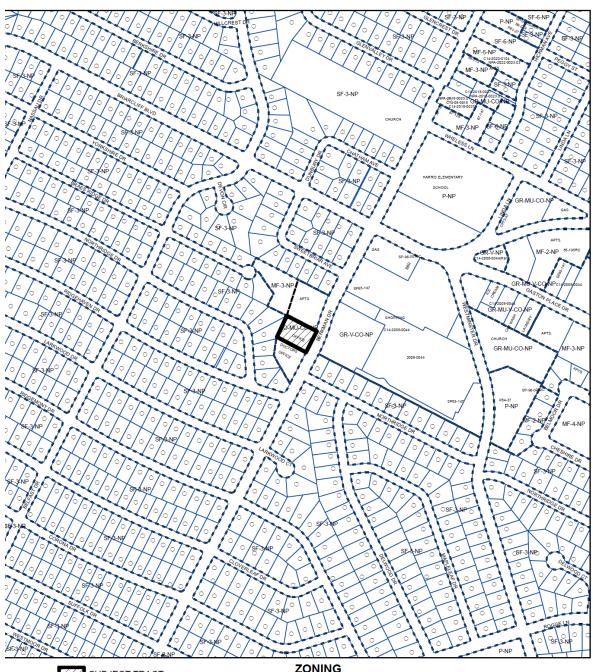
University Hills/Windsor Park Combined Neighborhood Planning Area NPA-2023-0023.04

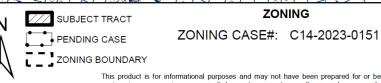
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This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









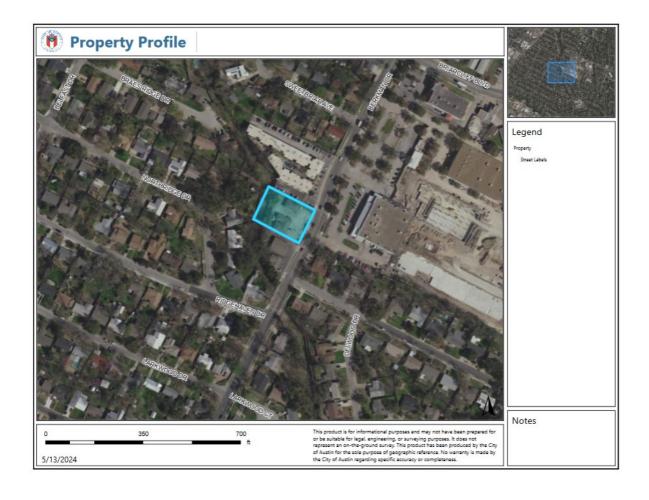
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1 " = 400 '

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Created: 12/11/2023







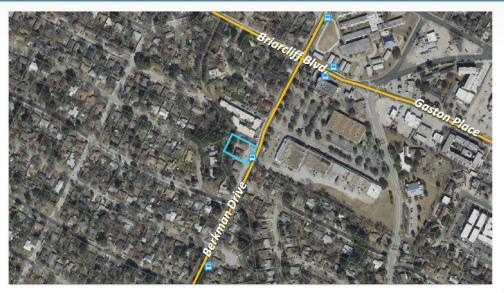
Drew Raffaele's Presentation at the February 12, 2024 Virtual Community Meeting

5810 Berkman Drive

UH/WP NPA Meeting NPA-2023-0023.04 and C14-2023-0151 February 12, 2024

1

Neighborhood Aerial



Site Aerial



Property Details

Size:

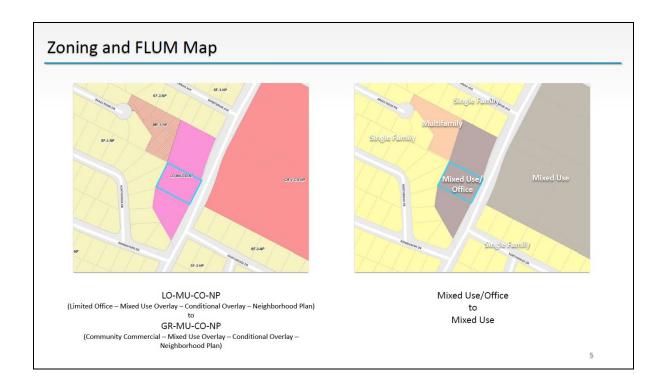
- 0.58 acres
- 5810 & 5812: Approx. 2,417 square feet
- 5816: Approx. 1,187 square feet

Current Use:

• Personal services uses

Transit/Access:

- Located between Briarcliff Boulevard and E 51 Street
- Rerkman Drive
 - Local Mobility roadway in the Austin Strategic Mobility Plan (ASMP) Network
 - Buffered bike lanes NB and SB Protected bike lanes planned
 - Striped pedestrian crossings
- CapMetro Berkman/Sweetbriar stop
 - Route 10 SB, adjacent, & NB, nearby (high-frequency route)
 - Route 337 SB & NB, nearby (weekday high-frequency route)



Conditional Overlay

A residential use may not exceed 25% of the total square footage of the first floor of a building constructed.

• No change proposed to conditional overlay.

Neighborhood Requested Prohibited Uses

- Automotive Rental
- Automotive Repair Services
- Automotive Sales
- Automotive Washing (of any type)
- Bail Bond Services
- Business or Trade School
- Business Support Services
- Commercial Off-Street Parking
- Communication Services
- Drop-Off Recycling Collection Facility Hospital Services General
- Drive-Through
- Exterminating Services
- Food Preparation

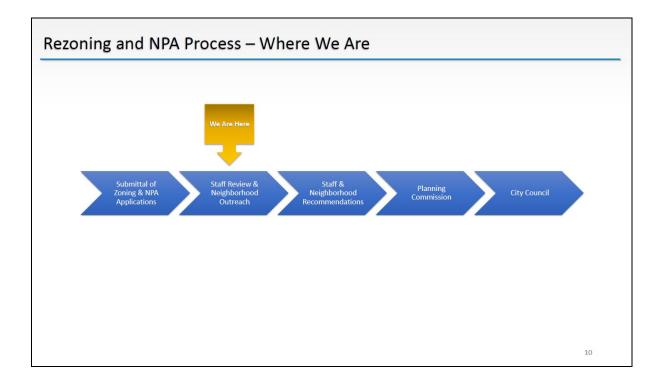
- Funeral Services
- Hotel-Motel
- Indoor Entertainment
- Indoor Sports & Recreation
- Outdoor Entertainment
- Outdoor Sports & Recreation
- Pawn Shop Services
- Research Services
- Theater
- Service Station
- Medical Offices exceeding 5,000 sq. ft.

- "Attract needed vendors and service providers into the planning area through support for local businesses and revitalization/redevelopment of neighborhood shopping areas."
- "Improve the aesthetic look of the planning area with the use of landscaping, reduction of billboards, and quality design of business structures and surroundings."

Imagine Austin Polices

LUT P6. Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.

LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.



Agent Information

Leah M. Bojo

Email: lbojo@drennergroup.com

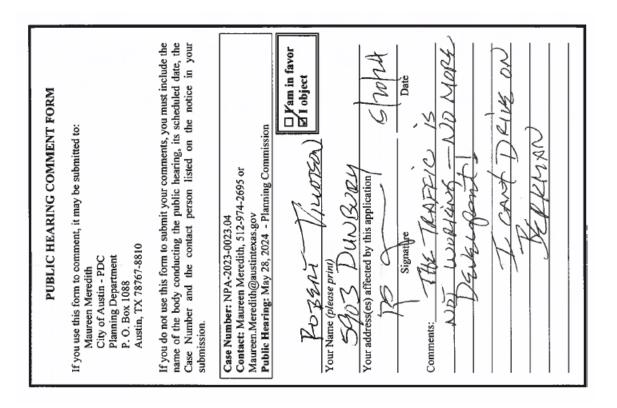
Phone: 512-807-2918

Drew Raffaele

Email: draffaele@drennergroup.com

Phone: 512-807-2913

Correspondence Received



-----Original Message-----From: Jeffrey Frelack

Sent: Friday, May 24, 2024 4:49 PM

To: Meredith, Maureen < Maureen. Meredith@austintexas.gov>

Subject: Support for NPA-2023-0023.04

Hi Maureen,

I am emailing to say that I support/am in favor of the change of land use designation in case NPA-2023-0023.04 in Windsor Park to Mixed Use. I received a notification letter of the change by mail since I live close by.

If I need to physically mail my response for logging, please let me know.

Jeff Frelack 5902 Dunbury Dr